



Document: An executed Declaration  
Client-Matter No: 67234-015


**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

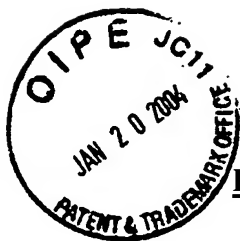
"EXPRESS MAIL" MAILING LABEL NUMBER: EV 400 551 980 US

DATE OF DEPOSIT: January 20, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO MAIL STOP MISSING PARTS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Leonid Bantados  
Printed Name of Person Mailing Paper or Fee

  
Signature of Person Mailing Paper or Fee



## DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled MULTIPLEX NUCLEIC ACID REACTIONS, the specification of which

\_\_\_\_\_ is attached hereto as Attorney Client-Matter No. \_\_\_\_\_).

  X   was filed on July 15, 2003, as Application Serial No. 10/620,852  
(Attorney Client-Matter No. 67234-015)

and was amended on (or amended through) \_\_\_\_\_.  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (a) opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) asserting an argument of patentability.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of the United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of

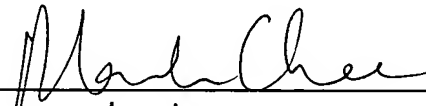
Inventors: Chee et al.  
Serial No.: 10/620,852  
Filed: July 15, 2003  
Page 2

Federal Regulations, § 1.56 that became available between the filing date of the prior application(s) listed below and the filing date of this non-provisional application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
60/396,237	July 15, 2002	Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Mark Chee

Inventor's signature: 


Date: 1/15/2004

Residence: Del Mar, California

Citizenship: Australia

Mailing Address: 155 15th Street, #24  
Del Mar, California 92014

Full name of second inventor: Jian-Bing Fan

Inventor's signature: 

Date: 12/18/03

Residence: San Diego, California

Citizenship: J.F. 12/18/03  
China U.S.

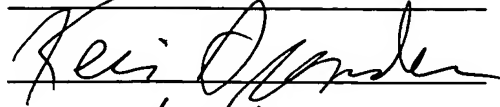
Mailing Address: 5247 Pearlman Way  
San Diego, California 92130

Inventors: Chee et al.  
Serial No.: 10/620,852  
Filed: July 15, 2003  
Page 3

Full name of third  
inventor:

Kevin Gunderson

Inventor's signature:



Date:

12/19/03

Residence:

Encinitas, California

Citizenship:

United States

Mailing Address:

1543 Juniper Hill Drive  
Encinitas, California 92024



Document: An executed Power of Attorney  
Client-Matter No: 67234-015

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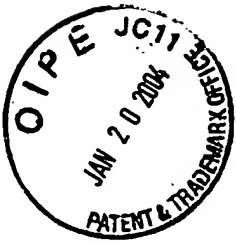
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Leon Bantados  
Printed Name of Person Mailing Paper or Fee

[Signature]  
Signature of Person Mailing Paper or Fee



**POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE**

Assignee ILLUMINA, INC. is the owner of the entire right, title and interest of  
U.S. Patent Application

Serial No. 10/620,852, filed on July 15, 2003, as attorney docket number 67234-  
015, and entitled MULTIPLEX NUCLEIC ACID REACTIONS,

and any subsequently filed divisional, continuation, or reissue application,  
including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these  
applications and to transact all related business in the United States Patent and Trademark Office  
and any international and foreign patent offices:

CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200;  
ANDREA L. GASHLER, Registration No. 41,029; DEBORAH L. CADENA, Registration No.  
44,048; ASTRID R. SPAIN, Registration No. 47,956; and PAMELA M. GUY, Registration No.  
51,228.

Please direct all telephone calls to David A. Gay at (858) 535-9001 and address  
all correspondence to:

DAVID A. GAY  
McDERMOTT, WILL & EMERY  
4370 La Jolla Village Drive  
Suite 700  
San Diego, California 92122

The undersigned is authorized to sign on behalf of the Assignee.

Signature: Noemi C. Espinosa  
Name (typed): Noemi C. Espinosa  
Title: Vice President, Intellectual Property  
Assignee: Illumina, Inc.  
Date: Jan. 16, 2004



Document: An executed Small Entity Statement  
Client-Matter No: 67234-015

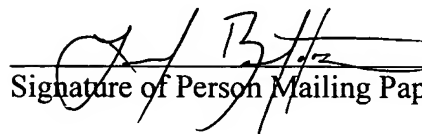
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Leand Bantados  
Printed Name of Person Mailing Paper or Fee

  
Signature of Person Mailing Paper or Fee



PATENT  
Client-Matter No.: 67234-015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	Confirmation No: 2545
	)	
Chee et al.	)	Group Art Unit: 1635
	)	
Serial No.: 10/620,852	)	Examiner: Not yet assigned
	)	
Filed: July 15, 2003	)	
	)	
For: MULTIPLEX NUCLEIC ACID	)	
REACTIONS	)	
	)	

\_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Alexandria, VA 22313-1450

Sir:

**SMALL ENTITY STATEMENT**

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

**(1) Individual person:**

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

**(2) Small business concern:**

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

“Business concern” means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.



Document: An executed Statement Under 37  
C.F.R. § 3.73 (b) with attached copy of Assignment  
Client-Matter No: 67234-015



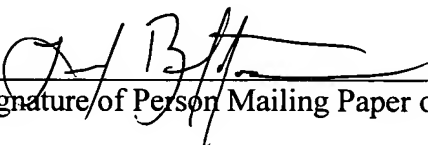
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Leand Bantades  
Printed Name of Person Mailing Paper or Fee

  
Signature of Person Mailing Paper or Fee



STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: MULTIPLEX NUCLEIC ACID REACTIONS  
Application Ser. No.: 10/620,852  
Filed: July 15, 2003  
Inventor(s): Chee et al.  
Attorney Client-Matter No.: 67234-015

ILLUMINA, INC., a corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Jan. 16, 2004  
Date

Noemi C. Espinosa  
Name: Noemi C. Espinosa  
Title: Vice President, Intellectual Property

Illumina, Inc.  
9885 Towne Centre Drive  
San Diego, California 92121

# COPY

JOINT

## ASSIGNMENT

This Assignment is made by Mark Chee, of Del Mar, California, Jian-Bing Fan, of San Diego, California, and Kevin Gunderson, of Encinitas, California, Assignors, to ILLUMINA, INC., Assignee, having a place of business at 9885 Towne Centre Drive, San Diego, California 92121.

WHEREAS, Assignors have invented a new and useful MULTIPLEX NUCLEIC ACID REACTIONS for which an application for United States Letters Patent was filed on July 15, 2003, in the United States Patent and Trademark Office, bearing Serial No. 10/620,852 and identified as Attorney Client-Matter No: 67234-015; and for which an international application was filed in a receiving office for the Patent Cooperation Treaty on July 15, 2003, bearing Serial No. PCT/US03/22171 and identified as Attorney Client-Matter No. 67234-017.

WHEREAS, Assignors believe themselves to be the original inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors sell, assign, and transfer to Assignee, the entire right, title, and interest in and to said invention, said application, any applications entitled to benefit of priority to said application under Title 35, United States Code, Sections 120, 121 or 251, which include divisionals, continuations and reissues, and any Letters Patent that may be granted on said invention or these applications in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Inventors: Chee et al.  
Serial No.: 10/620,852  
Filed: July 15, 2003  
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Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request that any United States or foreign Letters Patent granted for said invention, whether on said application or on any subsequently filed divisional, continuation or reissue application, be issued to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

Inventors: Chee et al.  
Serial No.: 10/620,852  
Filed: July 15, 2003  
Page 3

IN WITNESS WHEREOF, Assignors have executed this Assignment on the date(s)  
provided below.

Assignor: Mark Chee

Mark Chee 1/15/2004  
Signature Date

STATE OF California  
COUNTY OF San Diego

On January 15, 2004, before me, Carmela Haskell personally appeared  
Mark Chee, X personally known to me - OR -      proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within  
instrument and acknowledged to me that he she they executed the same in his her their  
authorized capacity(ies), and that by his her their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Carmela Haskell  
(Signature of Notary)



Inventors: Chee et al.  
Serial No.: 10/620,852  
Filed: July 15, 2003  
Page 4

Assignor: Jian-Bing Fan



12/18/2003

Signature

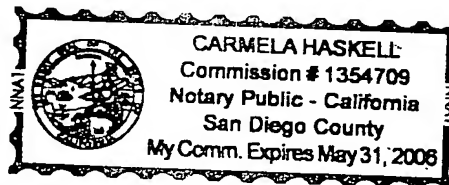
Date

STATE OF California  
COUNTY OF San Diego

On Dec. 18, 2003 before me, Carmela Haskell personally appeared  
Jian-Bing Fan, \_\_\_ personally known to me - OR - X proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) (s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(s), and that by his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Carmela Haskell  
(Signature of Notary)



Inventors: Chee et al.  
Serial No.: 10/620,852  
Filed: July 15, 2003  
Page 5

Assignor: Kevin Gunderson

Kevin Gunderson 12/19/03  
Signature Date

STATE OF California  
COUNTY OF San Diego

On Dec. 19, 2003 before me, Carmela Haskell personally appeared  
Kevin Gunderson, X personally known to me - OR - \_\_\_ proved to me on the basis  
of satisfactory evidence to be the person(s) whose name(s) is ~~are~~ subscribed to the within  
instrument and acknowledged to me that he ~~she~~ ~~they~~ executed the same in his ~~her~~ ~~their~~  
authorized capacity(ies), and that by his ~~her~~ ~~their~~ signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Carmela Haskell  
(Signature of Notary)

